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December 19, 2019

VIA ECF

Hon. Lorna G. Schofield
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 1106
New York, NY 10007

USDC SDNY
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Re: Delacruz v. Nike, Inc. - Civil Action No. 1:19-cv-10292-LGS

Dear Judge Schofield:

This firm represents Defendant Nike, Inc. ("Defendant") in the above-referenced matter. We write jointly with Plaintiff Emanuel Delacruz ("Plaintiff"), to: (1) respectfully request a twenty-nine (29) day extension of time for Defendant to respond to the Complaint, up to and including January 31, 2020; and (2) request an adjournment of the Initial Pretrial Conference scheduled for January 14, 2020 to a date after January 31, 2020. This letter is the second request for an extension of the responsive pleading deadline, and the first request for an adjournment of the Initial Pretrial Conference.

By way of background, Plaintiff commenced this action on or about November 5, 2019, alleging violations of Title III of the Americans with Disabilities Act and related state law in connection with the availability of Braille gift cards. (ECF No. 1.) Plaintiff served the Summons and Complaint on November 12, 2019. (ECF No. 6.) Accordingly, Defendant's response to the Complaint was initially due on December 3, 2019. (*Id.*) On November 25, 2019, Defendant filed a request for a thirty (30) day extension of the deadline to respond to the Complaint, which was granted by the Court on November 26, 2019. (ECF Nos. 7 & 8.) Accordingly, Defendant's response to the Complaint is presently due on January 2, 2020. (*Id.*) On November 26, 2019, the Court also scheduled the Initial Pretrial Conference for January 14, 2020. (ECF No. 8.)

The parties are requesting this extension of the responsive pleading deadline and adjournment of the Initial Pretrial Conference because they require additional time to explore whether a non-litigated resolution of Plaintiff's claims may be possible. To the extent a non-litigated resolution of Plaintiff's claims is not possible by January 31, 2020, Defendant intends to initiate dispositive motion practice in this action and requires additional time to prepare this submission, particularly in light of the forthcoming holidays. With respect to the Initial Pretrial Conference, the undersigned has conferred with counsel for Plaintiff, and the parties are available for the rescheduled Conference on February 20, March 2, 5, 10 - 12, 19 - 20, and 23 - 24, 2020.

We respectfully submit this request in good faith and not to cause undue delay. We thank the Court for its time and attention to this matter.

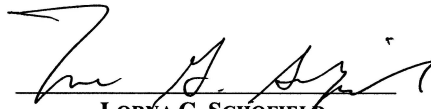
Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan
John W. Egan

Application GRANTED. Defendant shall respond to the Complaint by January 31, 2020. The January 14, 2020, 10:30 a.m. conference is adjourned until February 11, 2020, at 10:30 a.m. The parties are reminded to file their joint conference materials at least 7 days in advance of the conference.

Dated: December 23, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE